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March 11, 2013

Honorable Paul S. Diamond
Room 6613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19103

**RE: Robert M. Waldron v. Professional Medical Management
d/b/a Financial Recoveries
U.S.D.C. E.D. Pa. Civil Action No. 12-cv-1863(PD)
Notice of Supplemental Authority**

Dear Judge Diamond:

We represent Plaintiff Robert Waldron in the above-captioned action. Presently pending before Your Honor is Defendant's Motion for Summary Judgment (Doc. No. 23). The Motion is fully briefed. Central to the Motion is construction of 15 U.S.C. § 1692f(8). I write to furnish Notice of Supplemental Authority.

On February 5, 2013, the Court of Appeals handed down *Sherzer v. Homestar Mortgage Services*, 2013 WL 425835 (3d Cir. Feb. 5, 2013). *Sherzer* was an appeal arising under the Truth-in-Lending Act. Both the Truth-in-Lending Act and the Fair Debt Collection Practices Act at issue in Waldron are sub-chapters of the same Consumer Credit Protection Act. In *Sherzer*, the Court of Appeals reiterated the long-standing policy in this circuit that "when the statute's language is plain, the sole function of the courts is to enforce it according to its terms." *Sherzer* at *3 (internal quotations and citations omitted). Waldron respectfully submits that application of this canon of statutory construction is dispositive of the summary judgment motion under consideration.

I certify that a copy of this letter is being served upon opposing counsel.

Respectfully yours,


CARY L. FLITTER

CLF:jr

Enclosure

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